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10/784,472	02/24/2004	David Brady	280/102	1758
30310 7590 06/30/2008 DIGITAL OPTICS CORPORATION C/O LEE & MORSE, P.C. 3141 FAIRVIEW PARK DRIVE, SUITE 500 FALLS CHURCH, VA 22042				
EXAMINER				
KHAN, USMAN A				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/784,472

Applicant(s)

BRADY ET AL.

Examiner

USMAN KHAN

Art Unit

2622

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

Applicant's arguments filed on 02/05/2008 and 03/31/2008 with respect to claims 1 - 20 have been considered but are not persuasive. Also, newly added claims 21 - 31 are rejected as outlined below. Also note, that claims 17 - 20 are new claims and not "previously Presented" as stated.

Regarding **claim 1**, Applicant argues that in Tanida et al. fails to teach the multiple sub-pixel resolution elements for each sensor pixel.

In response the examiner notes that the filter 4 of figure 8 is considered the multiple sub-pixel resolution elements since it corresponds to the pixels 3a of figure 1.

DETAILED ACTION

Claim Objection

Claim 18 is objected to because of the following informalities: each of "between" should be changed to closer as in claims 17 and 19. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8, 10, and 20 recite the limitation "the selected transform matrix". The terms "selected transform matrix" is not discussed earlier in the claim nor is it discussed

in the independent claim that it depends from. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 4, 6, 9 – 13, 15 – 19, 21 – 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanida et al. (US patent No. 7,009,652).

Regarding **claim 1**, Tanida et al. teaches an imaging system (column 2 lines 46 – 58), comprising: an array of lenses (figure 1 item 1 microlens array with plurality of microlenses 1a; also column 3 lines 52 – column 4 line 9); a plurality of detectors for each lens (figure 1 item 3 photosensitive element array with plurality of photosensitive elements 3a; also column 3 lines 52 – column 4 line 9), the detectors being on an image plane of the imaging system (figure 1 item 3 photosensitive element array with plurality of photosensitive elements 3a; also column 3 lines 52 – column 4 line 9); and a corresponding plurality of focal plane coding elements (figure 8 item 4 polarizing filter array with plurality of polarizing filters 4a; also column 6 lines 25 – 60), a focal plane coding element provided for each detector each focal plane coding element having

multiple sub-pixel resolution elements (figure 8 item 4 polarizing filter array with plurality of polarizing filters 4a; also column 6 lines 25 – 60), each sub-pixel resolution element being smaller than a detector (figure 8 item 4 polarizing filter array with plurality of polarizing filters 4a; also column 6 lines 25 – 60), a pattern of the multiple sub-pixels resolution elements being substantially the same for the plurality of detectors associated with a corresponding lens (figure 8 item 4 polarizing filter array with plurality of polarizing filters 4a; also column 6 lines 25 – 60), the plurality of focal plane coding elements being between the lens and plurality of detectors (figure 8 item 4 polarizing filter array with plurality of polarizing filters 4a; also column 6 lines 25 – 60), wherein at least two of the focal plane coding elements provided for the plurality of detectors associated with different lenses have different patterns of multiple sub-pixel resolution elements (figure 8 item 4 polarizing filter array with plurality of polarizing filters 4a; also column 6 lines 25 – 60 each of the adjacent items of 4a are polarized in a different direction).

Regarding **claim 2**, as mentioned above in the discussion of claim 1, Tanida et al. teaches all of the limitations of the parent claim. Additionally, Tanida et al. teaches that the focal plane-coding element provides sub-pixel shifted multiple images on each sensor pixel (figure 5 and column 6 lines 5 – 17).

Regarding **claim 3**, as mentioned above in the discussion of claim 1, Tanida et al. teaches all of the limitations of the parent claim. Additionally, Tanida et al. teaches

that the focal plane-coding element is an apertured mask (figure 1, item 2 partition wall layer with partition layers 2a).

Regarding **claim 4**, as mentioned above in the discussion of claim 1, Tanida et al. teaches all of the limitations of the parent claim. Additionally, Tanida et al. teaches that the imaging system further comprising color filters (column 11 lines 24 – 38).

Regarding **claim 6**, as mentioned above in the discussion of claim 1, Tanida et al. teaches all of the limitations of the parent claim. Additionally, Tanida et al. teaches a birefringent structure adjacent the focal plane-coding element (figure 2).

Regarding **claim 9**, as mentioned above in the discussion of claim 1, Tanida et al. teaches all of the limitations of the parent claim. Additionally, Tanida et al. teaches at least one sensor pixel receives light from more than one lens of the array of lenses (figure 11, 12A, and 12B).

Regarding **claim 10**, as mentioned above in the discussion of claim 1, Tanida et al. teaches all of the limitations of the parent claim. Additionally, Tanida et al. teaches a processor receiving the outputs of the sensor pixels and multiplying the outputs by an inverse of the selected transform matrix (column 6 line 18 – 24; inverse matrix method and column 3 lines 63 *et seq.* processing unit U).

Regarding **claim 11**, as mentioned above in the discussion of claim 10, Tanida et al. teaches all of the limitations of the parent claim. Additionally, Tanida et al. teaches that the processor reconstructs an image from the outputs, a number of image pixels in the image being greater than the plurality of sensor pixels (column 2 lines 46 – 58).

Regarding **claim 12**, Tanida et al. teaches an imaging system (column 2 lines 46 – 58), comprising: an array of lenses (figure 1 item 1 microlens array with plurality of microlenses 1a; also column 3 lines 52 – column 4 line 9); a plurality of detectors for each lens (figure 1 item 3 photosensitive element array with plurality of photosensitive elements 3a; also column 3 lines 52 – column 4 line 9); a corresponding plurality of detectors (figure 8 item 4 polarizing filter array with plurality of polarizing filters 4a; also column 6 lines 25 – 60), a filter provided for each detector (figure 8 item 4 polarizing filter array with plurality of polarizing filters 4a; also column 6 lines 25 – 60), each filter having multiple sub-pixel resolution elements (figure 8 item 4 polarizing filter array with plurality of polarizing filters 4a; also column 6 lines 25 – 60), each sub-pixel resolution element being smaller than a detector (figure 8 item 4 polarizing filter array with plurality of polarizing filters 4a; also column 6 lines 25 – 60), a pattern of the multiple sub-pixels resolution elements being substantially the same for the plurality of detectors associated with a corresponding lens (figure 8 item 4 polarizing filter array with plurality of polarizing filters 4a; also column 6 lines 25 – 60), and providing a sub-pixel shifted multiple image on each sensor pixel (figure 8 item 4 polarizing filter array with plurality of polarizing filters 4a; also column 6 lines 25 – 60); and a processor receiving outputs

from each detector and reconstructing an image (column 6 line 18 – 24; inverse matrix method and column 3 lines 63 *et seq.* processing unit U), a number of image pixels in the image being greater than the plurality of detectors (column 2 lines 46 – 58).

Regarding **claim 13**, as mentioned above in the discussion of claim 12, Tanida et al. teaches all of the limitations of the parent claim. Additionally, Tanida et al. teaches a birefringent structure plurality of filters ((column 2 lines 46 – 58; also [figure 8 item 4 polarizing filter array with plurality of polarizing filters 4a; also, column 6 lines 25 – 60] and/or [figure 15 item 7 diffraction grating; also column 10 lines 57 *et seq.*]).

Regarding **claim 15**, as mentioned above in the discussion of claim 12, Tanida et al. teaches all of the limitations of the parent claim. Additionally, Tanida et al. teaches at least one sensor pixel receives light from more than one lens of the array of lenses (figure 11, 12A, and 12B).

Regarding **claim 16**, as mentioned above in the discussion of claim 12, Tanida et al. teaches all of the limitations of the parent claim. Additionally, Tanida et al. teaches that the focal plane-coding element is an apertured mask (figure 1, item 2 partition wall layer with partition layers 2a).

Regarding **claim 17**, as mentioned above in the discussion of claim 1, Tanida et al. teaches all of the limitations of the parent claim. Additionally, Tanida et al. teaches

that the focal plane coding element is closer to the plurality of sensor pixels than to the array of lenses (figure 8 when the array 4 is places in figure 1).

Regarding **claim 18**, as mentioned above in the discussion of claim 12, Tanida et al. teaches all of the limitations of the parent claim. Additionally, Tanida et al. teaches that the focal plane coding element is between the plurality of sensor pixels than to the array of lenses (figure 8 when the array 4 is places in figure 1).

Regarding **claim 19**, as mentioned above in the discussion of claim 18, Tanida et al. teaches all of the limitations of the parent claim. Additionally, Tanida et al. teaches that the focal plane coding element is closer to the plurality of sensor pixels than to the array of lenses (figure 8 when the array 4 is places in figure 1).

Regarding **claim 21**, as mentioned above in the discussion of claim 1, Tanida et al. teaches all of the limitations of the parent claim. Additionally, Tanida et al. teaches that a majority of patterns of multiple sub-pixel resolution elements are different from one another (figure 8 when the array 4).

Regarding **claim 22**, as mentioned above in the discussion of claim 1, Tanida et al. teaches all of the limitations of the parent claim. Additionally, Tanida et al. teaches that a majority of patterns of multiple sub-pixel resolution elements block substantially half of incident light (figure 8 when the array 4).

Regarding **claim 23**, as mentioned above in the discussion of claim 1, Tanida et al. teaches all of the limitations of the parent claim. Additionally, Tanida et al. teaches that each pattern of multiple sub-pixel resolution elements includes a plurality of apertures (figure 8 when the array 4).

Regarding **claim 24**, as mentioned above in the discussion of claim 1, Tanida et al. teaches all of the limitations of the parent claim. Additionally, Tanida et al. teaches that at least one pattern of multiple sub-pixel resolution elements transmits substantially all incident light (figure 8 when the array 4).

Regarding **claim 25**, as mentioned above in the discussion of claim 12, Tanida et al. teaches all of the limitations of the parent claim. Additionally, Tanida et al. teaches that a majority of patterns of multiple sub-pixel resolution elements are different from one another (figure 8 when the array 4).

Regarding **claim 26**, as mentioned above in the discussion of claim 12, Tanida et al. teaches all of the limitations of the parent claim. Additionally, Tanida et al. teaches that a majority of patterns of multiple sub-pixel resolution elements block substantially half of incident light (figure 8 when the array 4).

Regarding **claim 27**, as mentioned above in the discussion of claim 12, Tanida et al. teaches all of the limitations of the parent claim. Additionally, Tanida et al. teaches that each pattern of multiple sub-pixel resolution elements includes a plurality of apertures (figure 8 when the array 4).

Regarding **claim 28**, as mentioned above in the discussion of claim 12, Tanida et al. teaches all of the limitations of the parent claim. Additionally, Tanida et al. teaches that at least one pattern of multiple sub-pixel resolution elements transmits substantially all incident light (figure 8 when the array 4).

Regarding **claim 29**, as mentioned above in the discussion of claim 12, Tanida et al. teaches all of the limitations of the parent claim. Additionally, Tanida et al. teaches wherein color filters serve as sub-pixel resolution elements (column 11 lines 24 – 38).

Regarding **claim 30**, Tanida et al. teaches an imaging system (column 2 lines 46 – 58), comprising: an array of lenses (figure 1 item 1 microlens array with plurality of microlenses 1a; also column 3 lines 52 – column 4 line 9); a plurality of detectors for each lens (figure 1 item 3 photosensitive element array with plurality of photosensitive elements 3a; also column 3 lines 52 – column 4 line 9), the detectors being on an image plane of the imaging system (figure 8 item 4 polarizing filter array with plurality of polarizing filters 4a; also column 6 lines 25 – 60); and a corresponding plurality of multiple image blocking portions provided for each detector (figure 8 item 4 polarizing

filter array with plurality of polarizing filters 4a; also column 6 lines 25 – 60), each image blocking portion being smaller than a detector (figure 8 item 4 polarizing filter array with plurality of polarizing filters 4a; also column 6 lines 25 – 60), a pattern of multiple image blocking portions being substantially the same for the plurality of detectors associated with a corresponding lens (figure 8 item 4 polarizing filter array with plurality of polarizing filters 4a; also column 6 lines 25 – 60), the plurality of multiple image blocking portions being between the lens and the plurality of detectors (figure 8 item 4 polarizing filter array with plurality of polarizing filters 4a; also column 6 lines 25 – 60), wherein at least two patterns of multiple image blocking portions associated with different lenses are different (figure 8 item 4 polarizing filter array with plurality of polarizing filters 4a; also column 6 lines 25 – 60).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanida et al. (US patent No. 7,009,652) in view of Bills (US patent No. 6,366,319).

Regarding **claim 5**, as mentioned above in the discussion of claim 1 Tanida et al. teaches all of the limitations of the parent claim.

However, Tanida et al. fails to teach that the color filters are integral with the focal plane-coding element. Bills, on the other hand teaches that the color filter is adjoined to another element in the focal plane.

More specifically, Bills teaches that the color filter is adjoined to a focal plane array (FPA) located in the focal plane (Figures 1, 2A, 6, and 7; items 105 and 107; Also, Abstract; Also, column 2 lines 29 - 37).

Therefore, one of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Bills with the teachings of Tanida et al. because in column 2 lines 29 – 37 Bills teaches that this mosaics attempt to match the wavelength-dependent sensitivity of the human eye by including a larger percentage of green pixels than red and blue pixels which in turn will produce a more natural image. Also the combination of the color filter is adjoined to a focal plane array will produce a simpler device which will reduce size by not requiring the two components at two different sections of the camera.

Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanida et al. (US patent No. 7,009,652) in view of Meyers (US patent No. 6,137,535).

Regarding **claim 7**, as mentioned above in the discussion of claim 1 Tanida et al. teaches all of the limitations of the parent claim.

However, Tanida et al. fails to teach a corresponding plurality of focusing lenses, a focusing lens between the focal plane encoding element and a corresponding sensor pixel. Meyers, on the other hand teaches a corresponding plurality of focusing lenses, a

focusing lens between the focal plane encoding element and a corresponding sensor pixel.

More specifically, Meyers teaches a corresponding plurality of focusing lenses, a focusing lens between the focal plane encoding element and a corresponding sensor pixel (figure 2; items 72, 10, and 24).

Therefore, one of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Meyers with the teachings of Tanida et al. because in column 3 lines 46 - 55 Meyers teaches that by use of the invention an extremely compact digital camera with a lenslet array in close proximity to a photodetector array is formed. Due to the larger sub-image size a reduced number of lenslets are needed to construct the full image. By utilizing the space between sub-groups of photodetectors for signal processing electronics, the digital camera can be formed on a single substrate. In addition, a large high-resolution sensor can be synthesized by the use of sub-groups of photodetectors.

Regarding **claim 14**, as mentioned above in the discussion of claim 12 Tanida et al. teaches all of the limitations of the parent claim.

However, Tanida et al. fails to teach a corresponding plurality of focusing lenses, a focusing lens between the filter and a corresponding sensor pixel. Meyers, on the other hand teaches a corresponding plurality of focusing lenses, a focusing lens between the filter and a corresponding sensor pixel.

More specifically, Meyers teaches a corresponding plurality of focusing lenses, a focusing lens between the focal plane encoding element and a corresponding sensor pixel (figure 2; items 72, 10, and 24).

Therefore, one of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Meyers with the teachings of Tanida et al. because in column 3 lines 46 - 55 Meyers teaches that by use of the invention an extremely compact digital camera with a lenslet array in close proximity to a photodetector array is formed. Due to the larger sub-image size a reduced number of lenslets are needed to construct the full image. By utilizing the space between sub-groups of photodetectors for signal processing electronics, the digital camera can be formed on a single substrate. In addition, a large high-resolution sensor can be synthesized by the use of sub-groups of photodetectors.

Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanida et al. (US patent No. 7,009,652) in view of Examiners Official Notice.

Regarding **8 and 20**, as mentioned above in the discussion of claim 1 and 12 respectively, Tanida et al. teach all of the limitations of the parent claim. Additionally, Tanida et al. teaches that the columns and rows can be varied (column 7 lines 24 – 40)

However, Tanida et al. fails to teach that the selected transform matrix has fewer rows than columns.

The examiner takes Official Notice that it is old and well known in the art to use matrices of different sizes.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a matrix with fewer rows than columns to have a wide angle image.

Claims 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanida et al. (US patent No. 7,009,652) in view of Heller et al. (US patent No. 5,355,222).

Regarding **claim 5**, as mentioned above in the discussion of claim 1 Tanida et al. teaches all of the limitations of the parent claim.

However, Tanida et al. fails to teach that wherein one lens of the array of lenses has no multiple image blocking portions associated therewith. Heller et al., on the other hand teaches that wherein one lens of the array of lenses has no multiple image blocking portions associated therewith.

More specifically, Heller et al. teaches that the wherein one lens of the array of lenses has no multiple image blocking portions associated therewith (Figures 2, 4 and 8 item A(0)).

Therefore, one of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Heller et al. with the teachings of Tanida et al. because in column 2 lines 9 *et seq.* Heller et al. teaches that this method will increase sensitivity of the system.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usman Khan whose telephone number is (571) 270-1131. The examiner can normally be reached on Mon-Thru 6:45-4:15; Fri 6:45-3:15 or Alt. Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Usman Khan/

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